

PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: NAN-2008-45-WDA
Issue Date: October 15, 2008
Expiration Date: November 14, 2008

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S. C. 1344).

APPLICANT: Gordon Residential Development, L.P.

ACTIVITY: Discharge fill material into waters of the United States to facilitate the construction of a residential subdivision.

WATERWAY: Wetlands and unnamed tributaries associated with the Mohawk River

LOCATION: Along Dunsbach Ferry Road, Town of Colonie, Albany County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any

CENAN-OP-RW
PUBLIC NOTICE NO. NAN-2008-45-WDA

Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.


Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

In addition to any required water quality certificate, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- Town of Colonie: Various
- New York State Department of Environmental Conservation: Potable Water Supply and SPDES permits

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (518) 266-6356 and ask for Andrew Dangler.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
Chief, Regulatory Branch

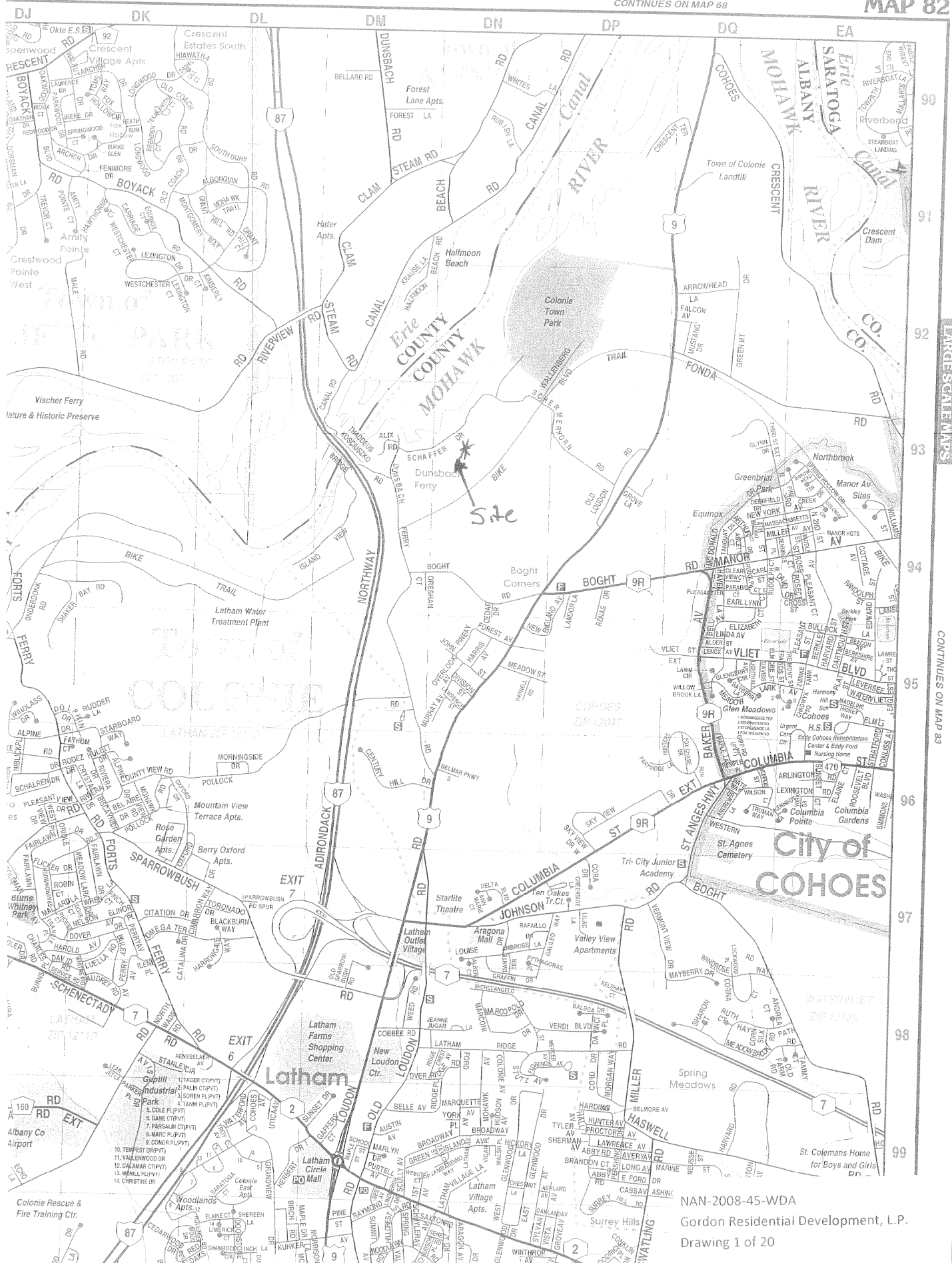
Enclosures

WORK DESCRIPTION

The applicant, Gordon Residential Development, L.P., has requested Department of the Army authorization for the discharge of fill material into waters of the United States to facilitate the construction of a residential subdivision. The project site consists of 29.8 acres and is located along Dunsbach Ferry Road in the Town of Colonie, Albany County, New York.

The development would consist of a 37-lot residential cluster subdivision, associated utilities and roadways. In addition, a section of the Hudson-Mohawk Bike Trail would be relocated from its current location along Dunsbach Ferry Road, to a new alignment within the western portion of the project site. The work would involve the discharge of fill material into waters of the United States, including 0.07 acre of wetland and 930 linear feet of intermittent stream channel, to facilitate the construction of the homes, attendant features, access roads, associated utilities and bike trail. All waters of the United States temporarily impacted by the proposed utility line installation would be restored to pre-construction conditions upon the completion of the construction activities. The stated purpose of the project is to provide housing in northern Albany County.

To mitigate impacts to the aquatic environment, the applicant proposes to establish a conservation easement over 13.73 +/- acres of land situated within the project site, which includes 4.2 acres of wetland. The easement would be managed by a homeowners association.

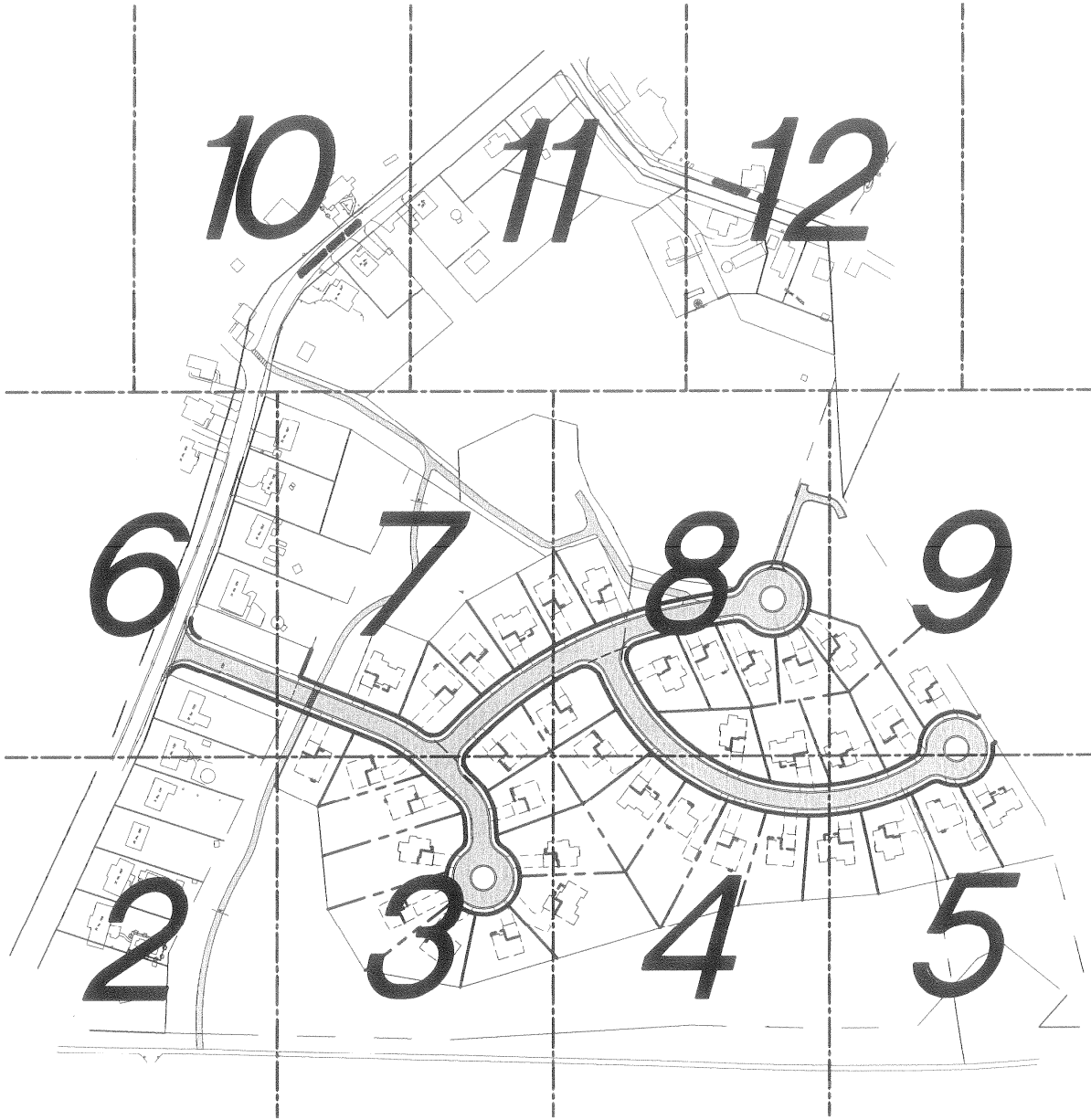


LARGESCALE MAPS

CONTINUES ON MAP 83

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 Gordon Residential Development, L.P.
 Drawing 1 of 20

INDEX SHEET



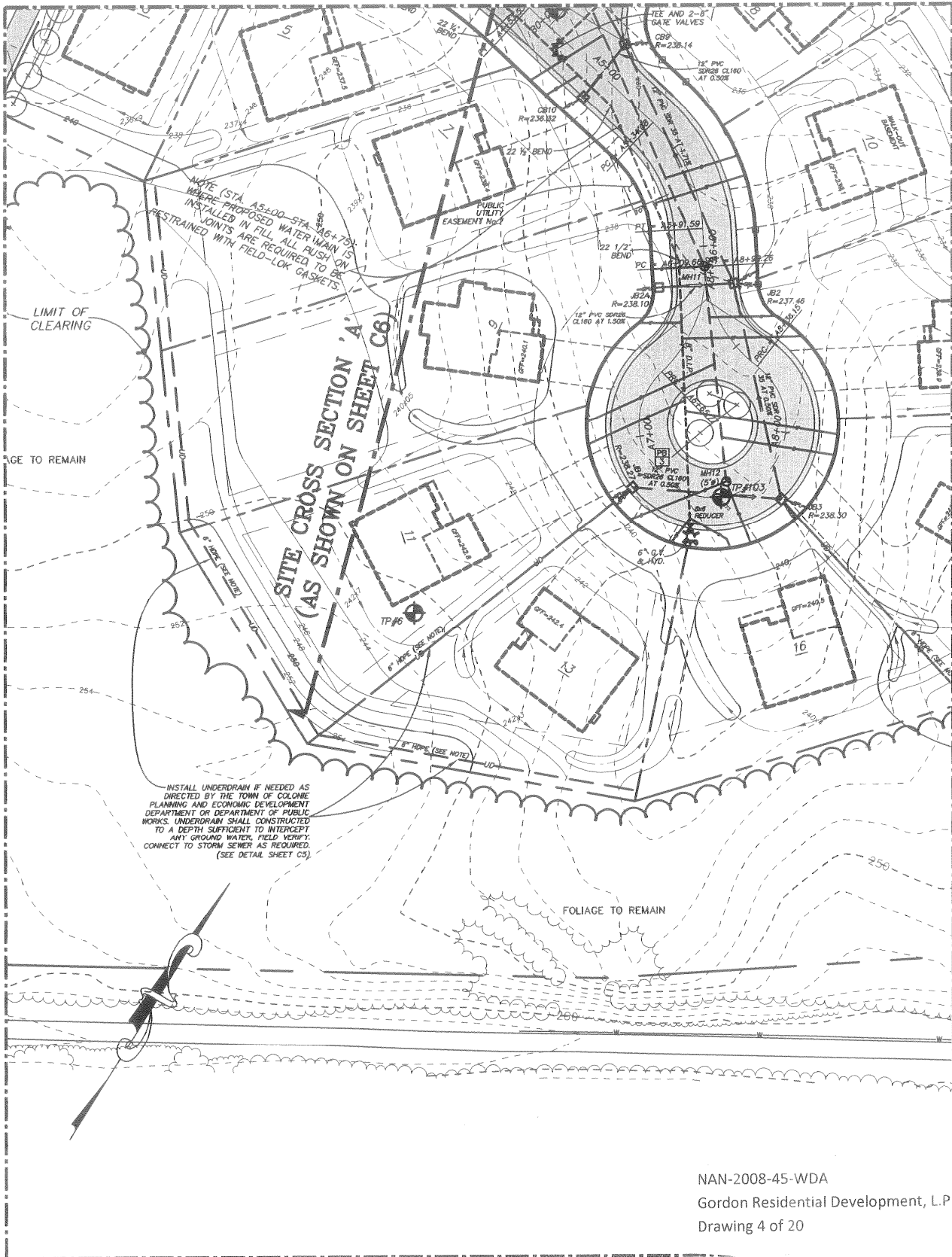
NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 2 of 20



SEE SHEET 7

SEE SHEET 2

SEE SHEET 4



SEE SHEET 8

SEE SHEET 3

SEE SHEET 5

SITE CROSS SECTION B
(AS SHOWN ON SHEET C6)

LIMIT OF
CLEARING

INSTALL UNDERDRAIN IF NEEDED AS
DIRECTED BY THE TOWN OF COLONIE
PLANNING AND ECONOMIC DEVELOPMENT
DEPARTMENT OR DEPARTMENT OF PUBLIC
WORKS. UNDERDRAIN SHALL CONSTRUCTED
TO A DEPTH SUFFICIENT TO INTERCEPT
ANY GROUND WATER. FIELD VERIFY.
CONNECT TO STORM SEWER AS REQUIRED.
(SEE DETAIL SHEET C5).

CONCRETE HEADWALL
R=216.00
(WITH TRASH RACK)
SEE DETAIL SHEET C5

INTERMITTENT
STREAM

30' PUBLIC
UTILITY
EASEMENT No. 4

- See dwgs 18 19 & 20
for stream impact description -

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 5 of 20

SEE SHEET 9

SEE SHEET 4



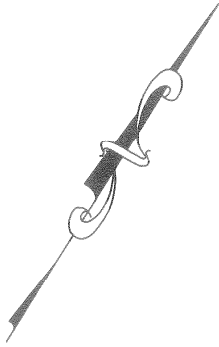
CUT-IN 16"x16"x8" TEE AND 8" GATE VALVE. THE CONTRACTOR SELECTED TO COMPLETE THE CUT-IN CONNECTION MUST BE APPROVED BY THE LATHAM WATER DISTRICT PRIOR TO CONSTRUCTION

A TEST PIT MUST BE DUG TO VERIFY LOCATION AND DEPTH OF THE EXISTING 16" PCWP WATER MAIN PRIOR TO CONSTRUCTION

-see dwgs 18, 19 & 20 for stream impact description-

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 6 of 20

SEE SHEET 10



BUILDING TO BE DEMOLISHED
 EXISTING 3/4" WATER SERVICE TO 177
 DUNSBACK FERRY ROAD MUST BE
 ABANDONED AT THE MAIN BY THE LATHAM
 WATER DISTRICT AT THE OWNER'S EXPENSE.
 EXISTING SANITARY SEWER LATERAL TO BE
 CAPPED AT THE RIGHT-OF-WAY LINE. PRIOR
 TO CAPPING THE LATERAL, A MODIFICATION
 PERMIT WILL BE REQUIRED FROM THE
 DIVISION OF PURE WATERS.

8"x8"x8" ANCHOR TEE
 2-8" SOLID SLEEVES
 AND 8" GATE VALVE

CB
 R=244.85
 I=242.00

CB
 R=239.09
 I=236.13
 I=235.76

CB
 R=243.35
 I=241.30
 I=241.20

St No. 184

St No. 185

St No. 183

St No. 181

St No. 175

No. 173

ARBOR GATE COURT

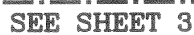
BUILDINGS TO BE
 DEMOLISHED

NAN-2008-45-WDA
 Gordon Residential Development, L.P.
 Drawing 7 of 20

SEE SHEET 7

SEE SHEET 2

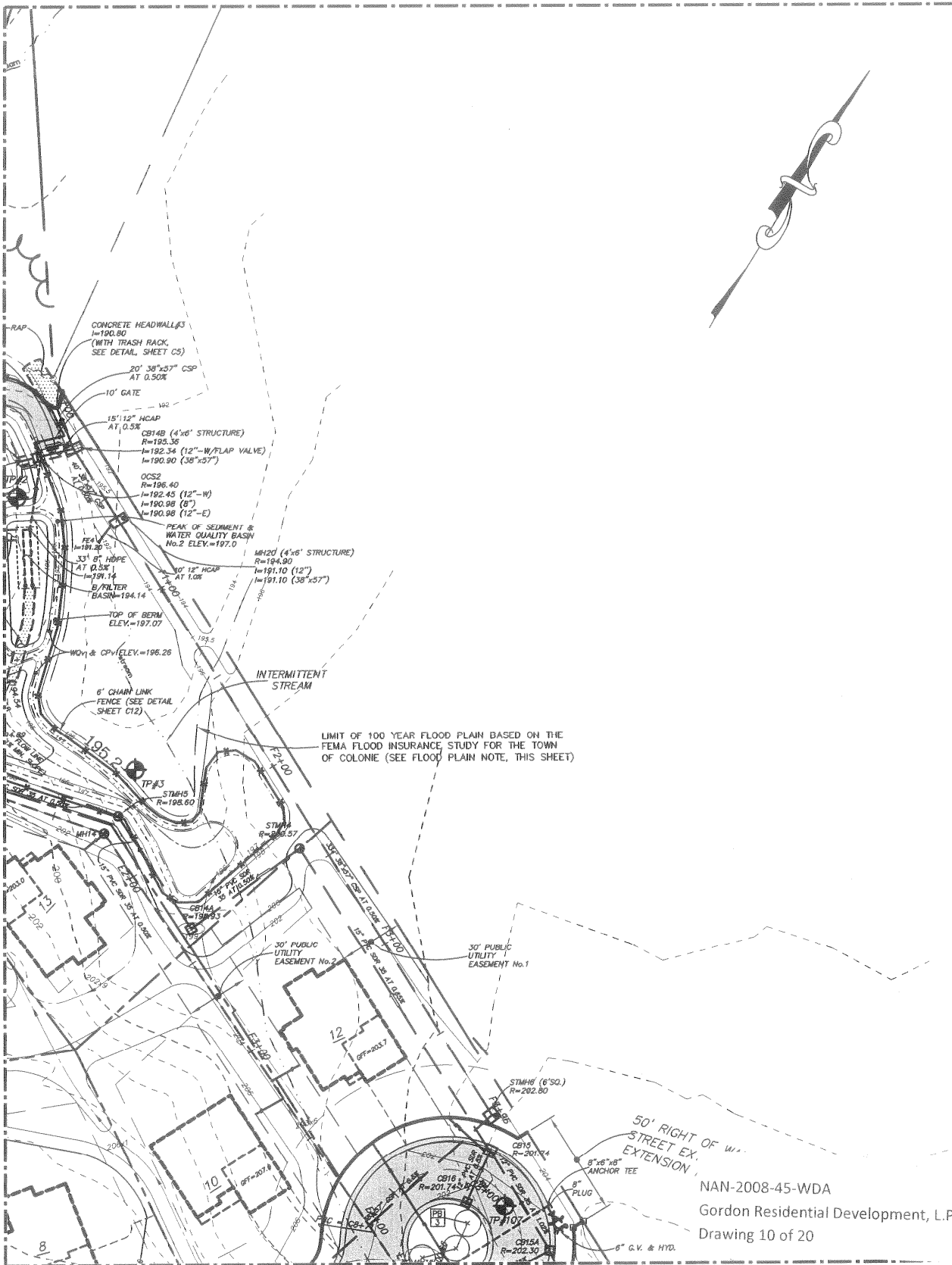
SEE SHEET 11



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Gordon Residential Development, L.P.
Drawing 8 of 20

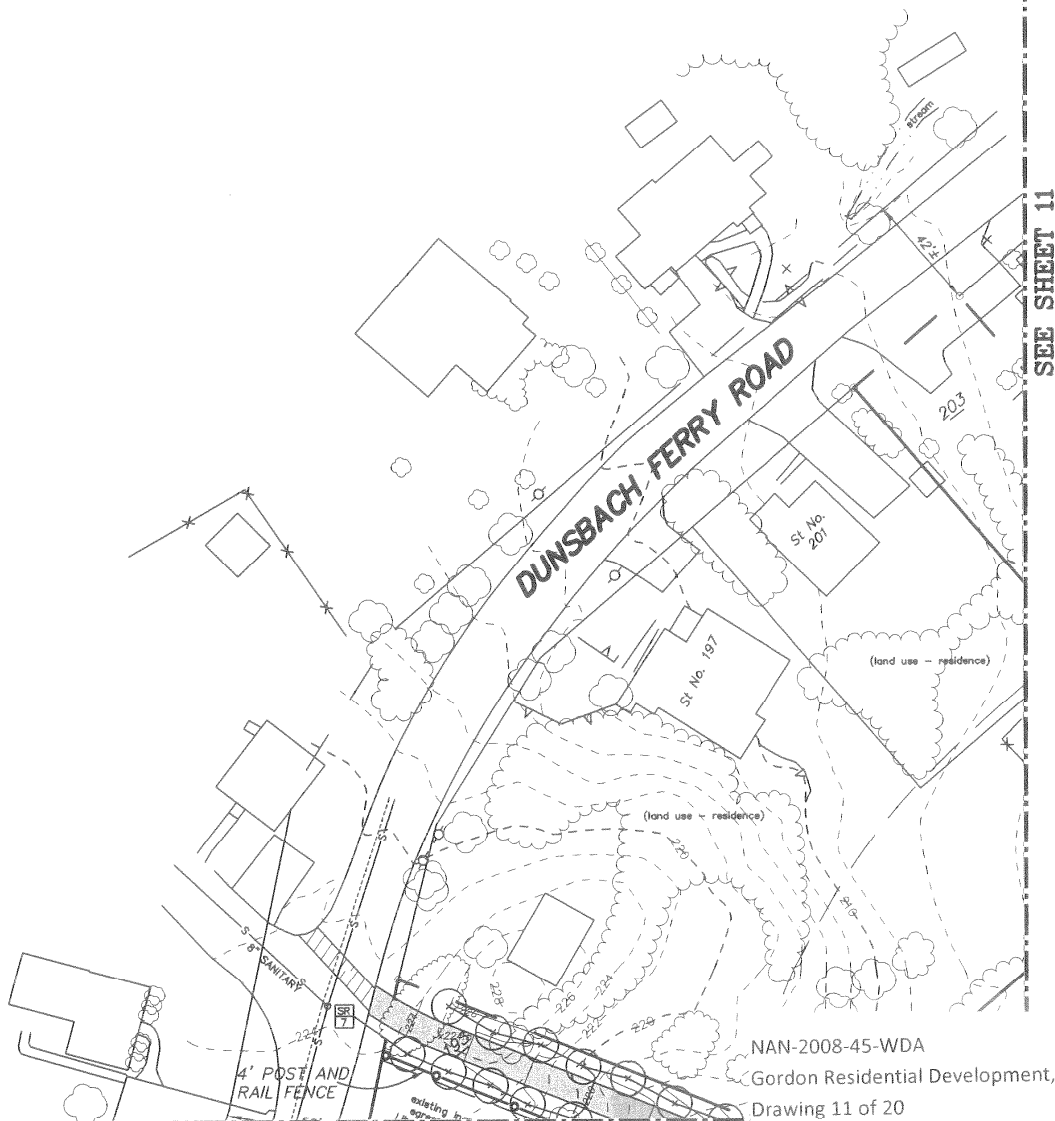
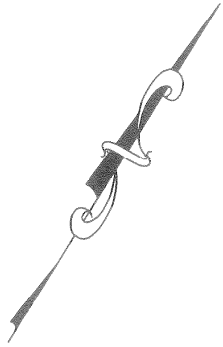
SEE SHEET 12

SEE SHEET 8



SEE SHEET 5

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Gordon Residential Development, L.P.
Drawing 10 of 20



SEE SHEET 6

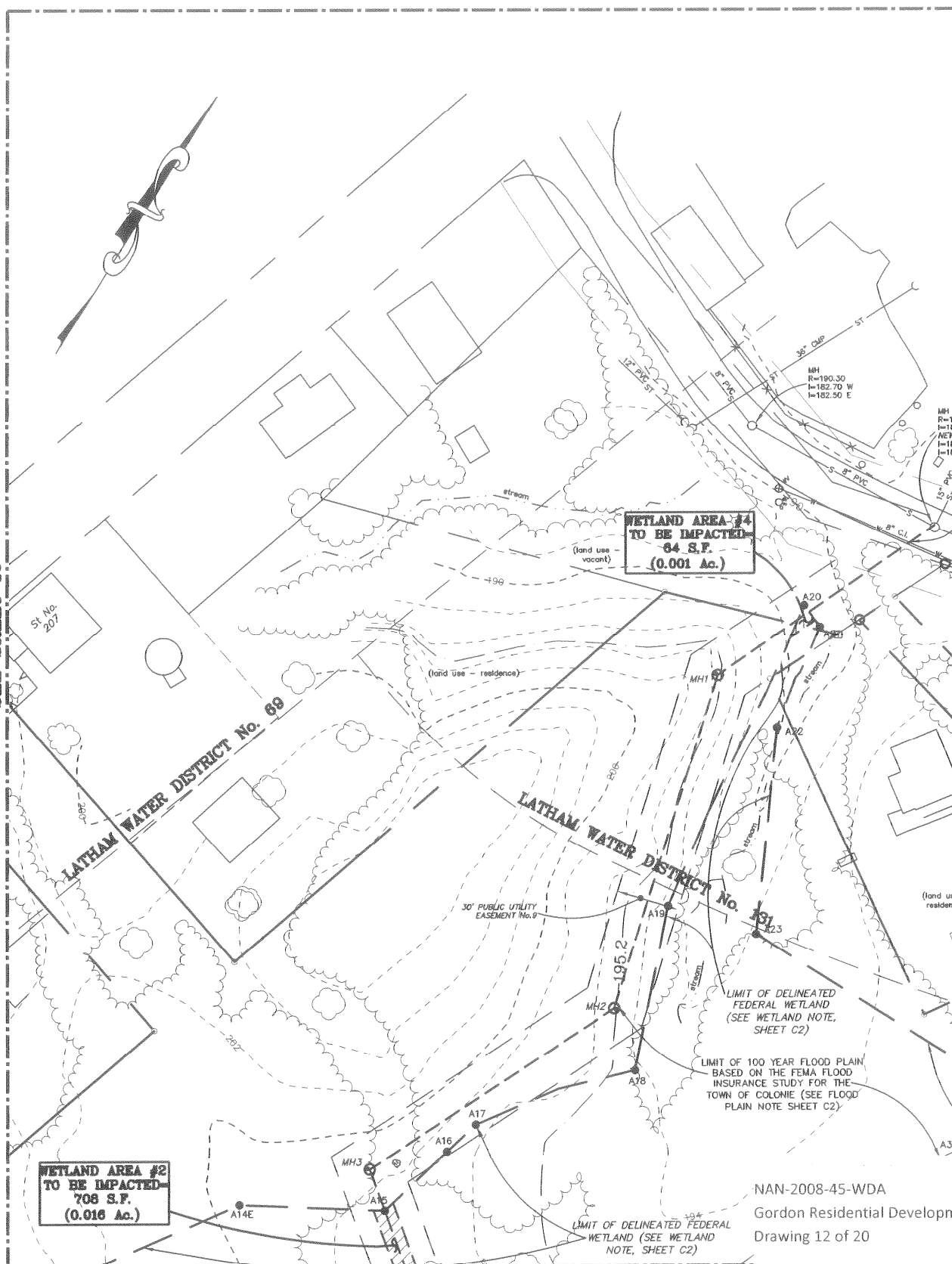
SEE SHEET 7

SEE SHEET 11

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Gordon Residential Development, L.P.
Drawing 11 of 20

SEE SHEET 10

SEE SHEET 12



SEE SHEET 7

SEE SHEET 8

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Gordon Residential Development, L.P.
Drawing 12 of 20

SEE SHEET 11

10
24 E
183.65 SW
29 W
109 N

CONTRACTOR SHALL DIG A TEST PIT
TO VERIFY LOCATION AND DEPTH OF
EXISTING 8" C.I. WATER MAIN

SCHAEFFER
DRIVE

12" PVC

MH
R=192.99
I=184.99 E
I=184.84 W

CB
R=192.28
I=189.74

(land use -
residence)

DENSE TREES

(land use -
residence)

I=186.78
I=186.80

I=187.91
I=188.03

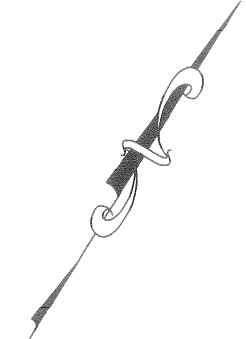
A1
A2
195.2

LIMIT OF DELINEATED FEDERAL
WETLAND (SEE WETLAND
NOTE, SHEET C2)

A5

LATHAM WATER DISTRICT

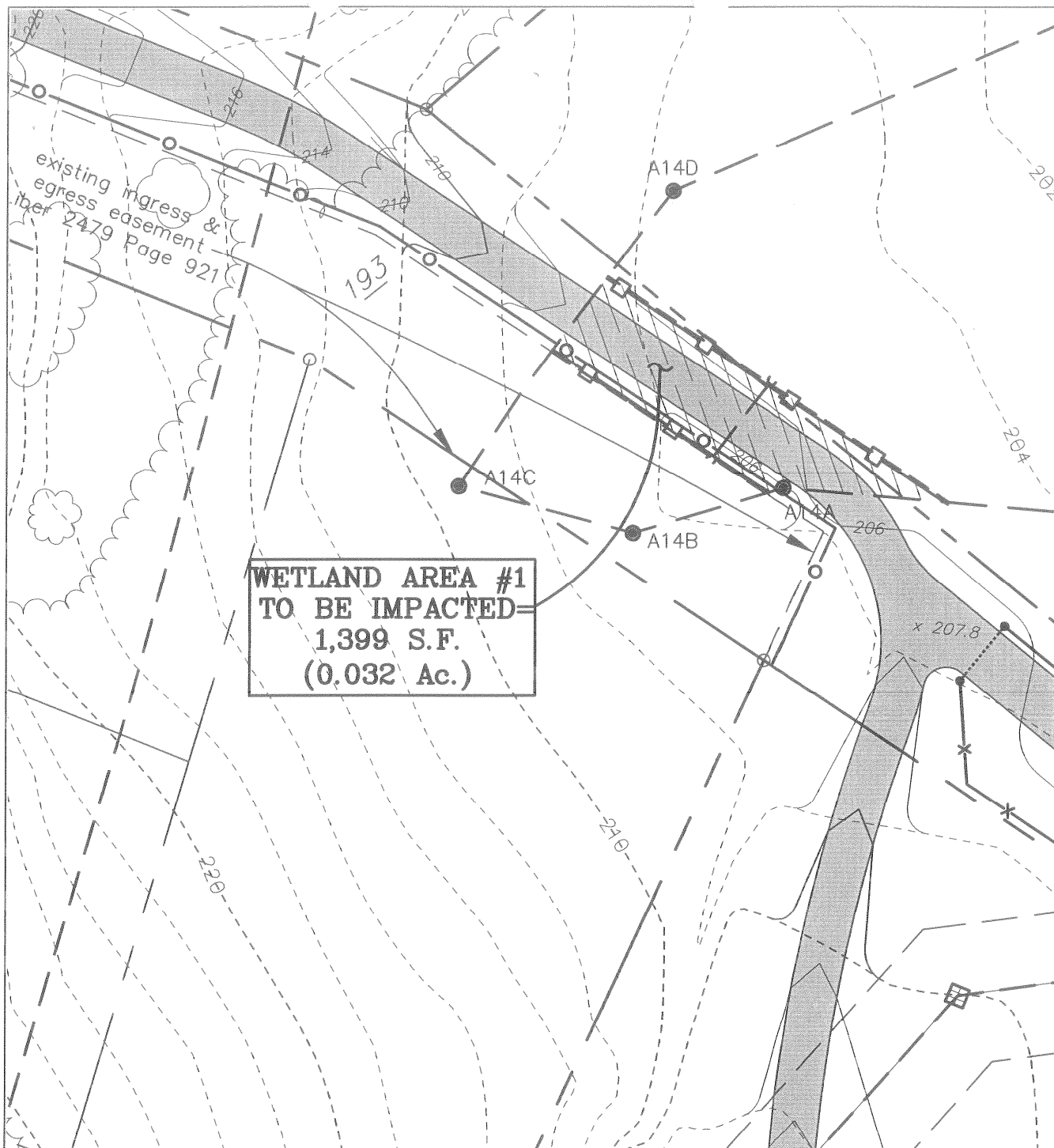
(land use -
vacant)



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Gordon Residential Development, L.P.
Drawing 13 of 20

SEE SHEET 8

SEE SHEET 9



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SCALE 1"=30'

050191-5.DWG

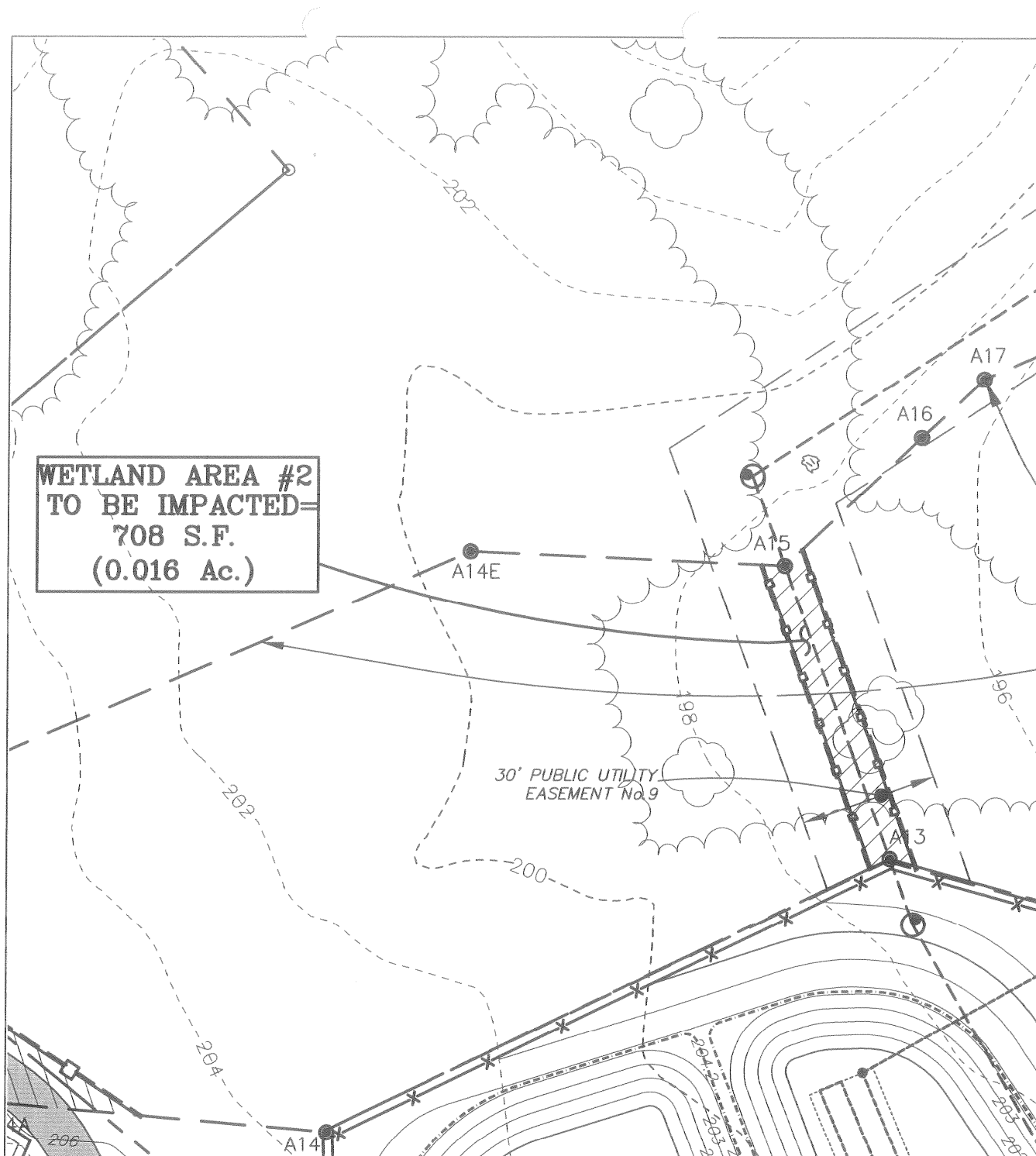


Wetland No. 1 Impacts

NAN-2008-45-WDA

Gordon Residential Development, L.P.

Drawing 14 of 20



LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- SILT FENCE



SCALE 1"=30'

050191-5.DWG



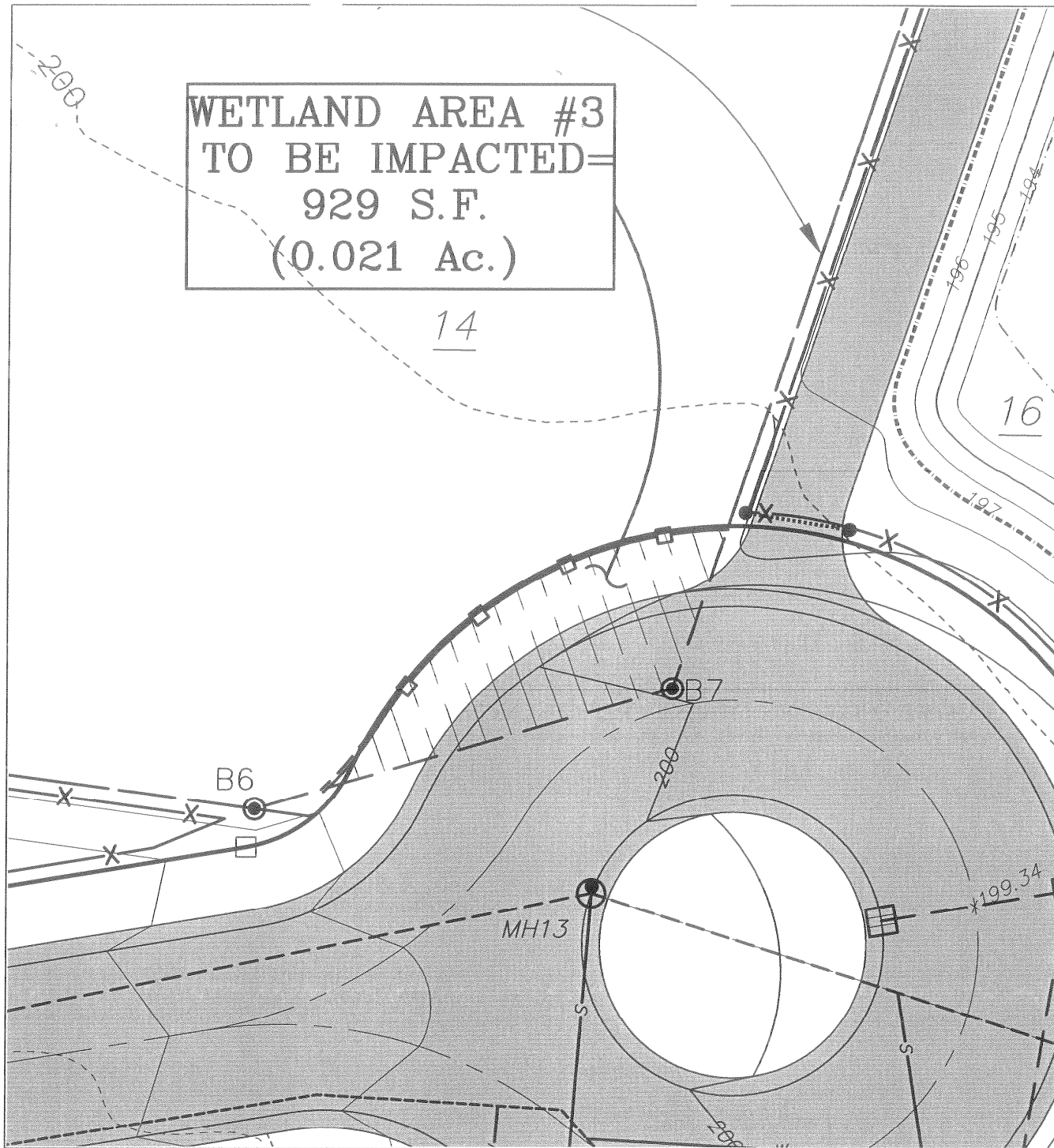
Wetland No. 2 Impacts

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Gordon Residential Development, L.P.
Drawing 15 of 20

WETLAND AREA #3
TO BE IMPACTED=
929 S.F.
(0.021 Ac.)

14

16

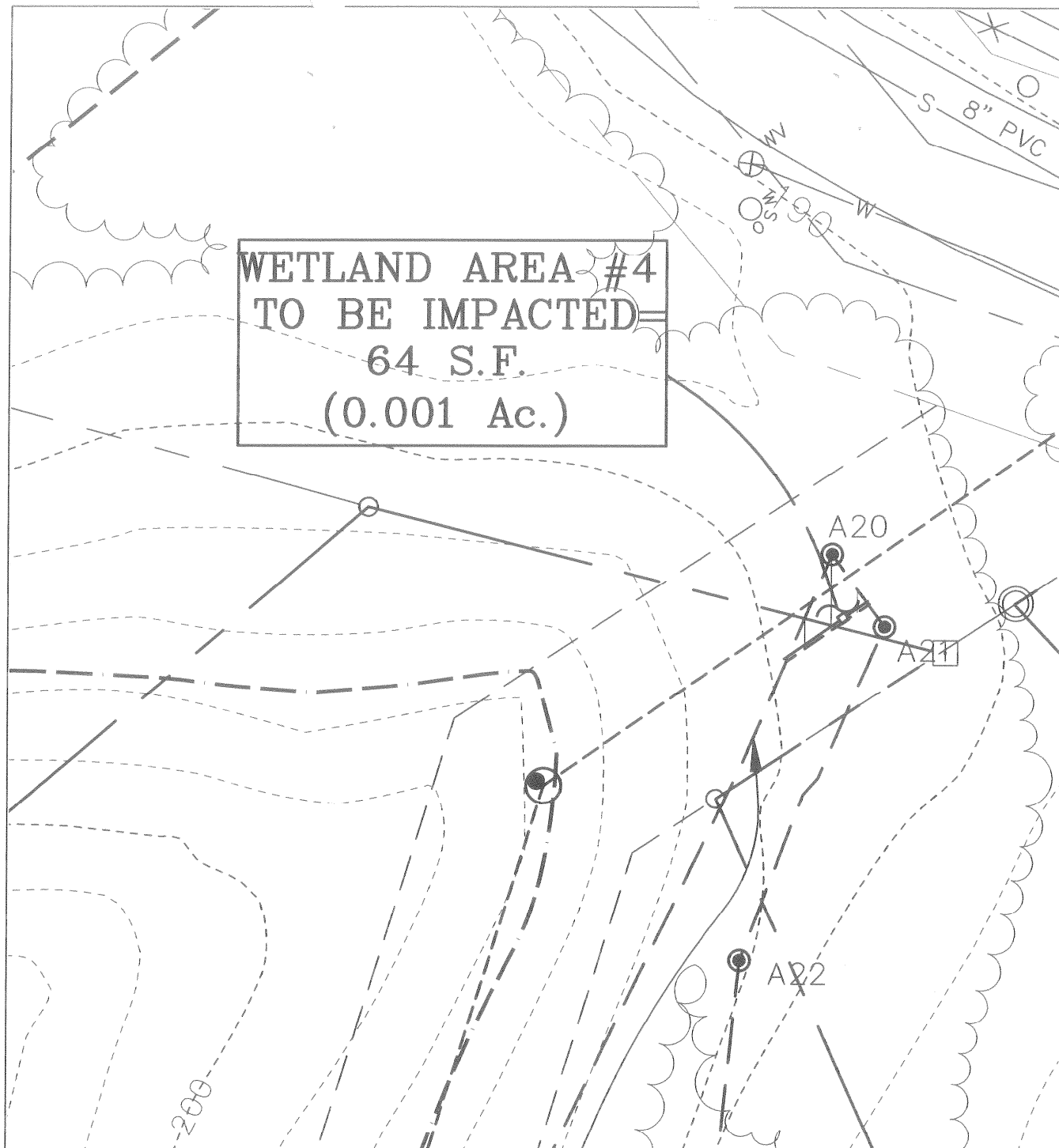


LEGEND
 ---210--- EXISTING CONTOUR
 ---210--- PROPOSED CONTOUR
 ---□--- SILT FENCE



Wetland No. 3 Impacts

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 16 of 20



LEGEND
 ---210--- EXISTING CONTOUR
 ---210--- PROPOSED CONTOUR
 ---SILT FENCE

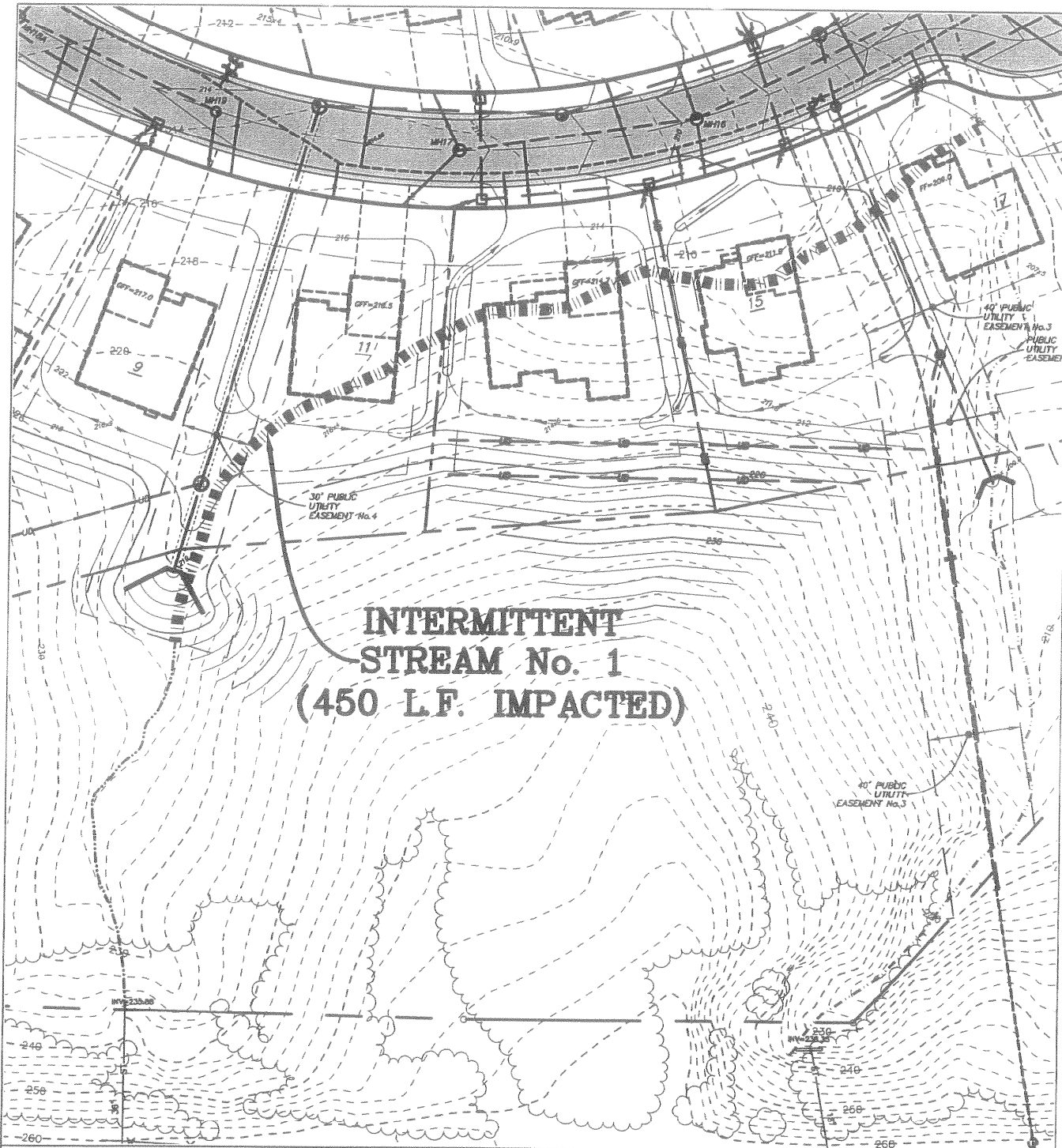
0 20
 SCALE 1"=20'

**HERSHBERG
 &
 HERSHBERG**
 Consulting Engineers
 and Land Surveyors



Wetland No. 4 Impacts

NAN-2008-45-WDA
 Gordon Residential Development, L.P.
 Drawing 17 of 20



LEGEND
 --- 210 --- EXISTING CONTOUR
 --- 210 --- PROPOSED CONTOUR

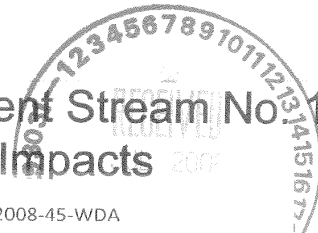
0 60
 SCALE 1"=60'
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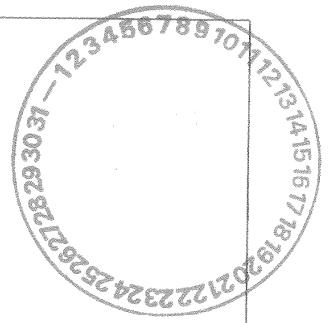
**HERSHBERG
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**Intermittent Stream No. 1
 Impacts**

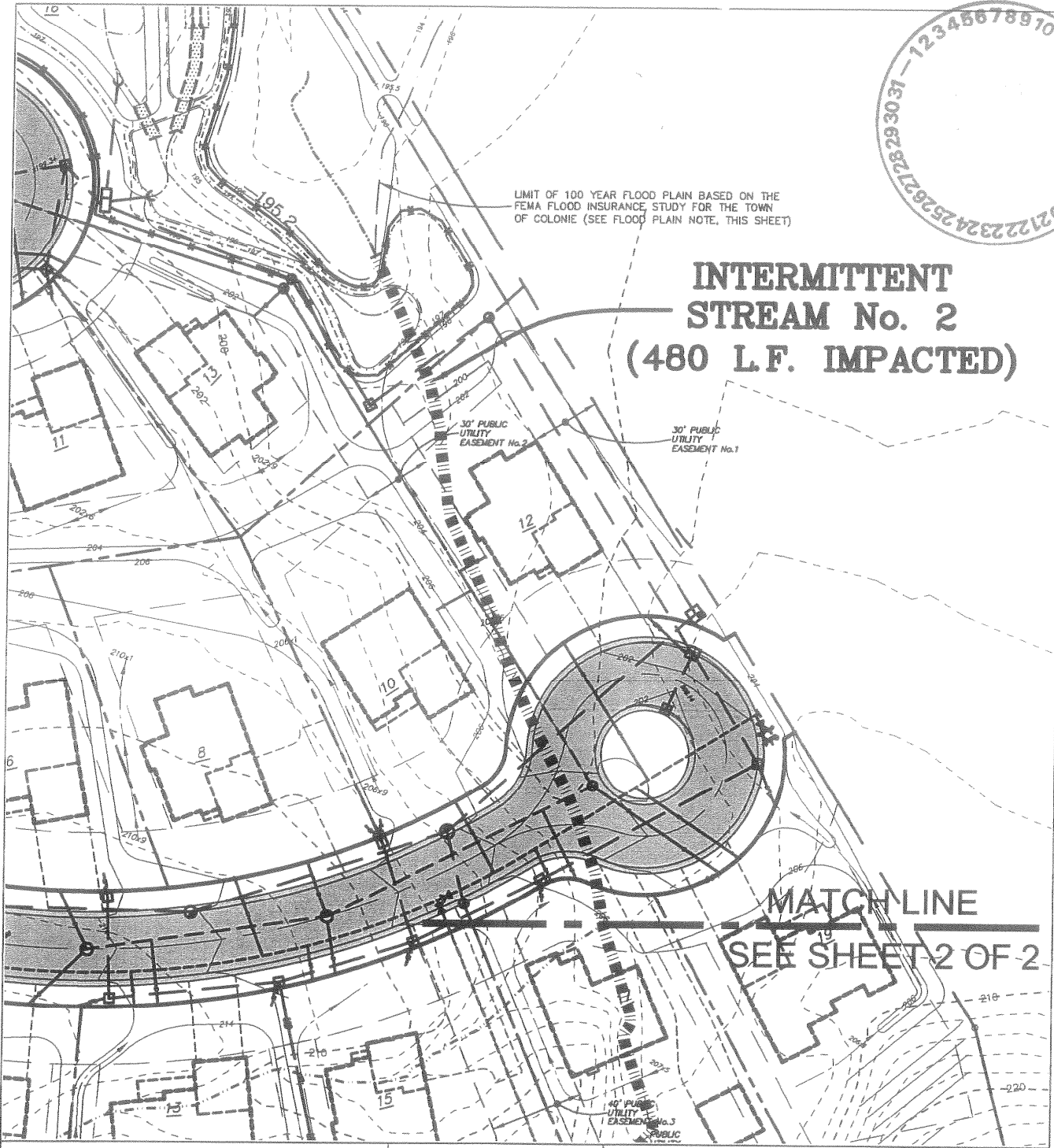
NAN-2008-45-WDA
 Gordon Residential Development, L.P.
 Drawing 18 of 20



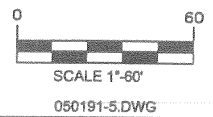


LIMIT OF 100 YEAR FLOOD PLAIN BASED ON THE
FEMA FLOOD INSURANCE STUDY FOR THE TOWN
OF COLONIE (SEE FLOOD PLAIN NOTE, THIS SHEET)

INTERMITTENT STREAM No. 2 (480 L.F. IMPACTED)

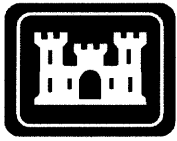


LEGEND	
--- 210 ---	EXISTING CONTOUR
— 210 —	PROPOSED CONTOUR



Intermittent Stream No. 2 Impacts

Sheet 1 of 2



PUBLIC NOTICE

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APPLICANT: Gordon Residential Development, L.P.

ACTIVITY: Discharge fill material into waters of the United States to facilitate the construction of a residential subdivision.

WATERWAY: Wetlands and unnamed tributaries associated with the Mohawk River

LOCATION: Along Dunsbach Ferry Road, Town of Colonie, Albany County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

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CENAN-OP-RW
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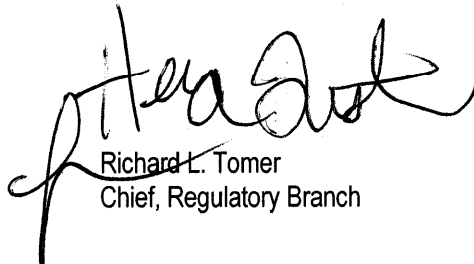
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Richard L. Tomer
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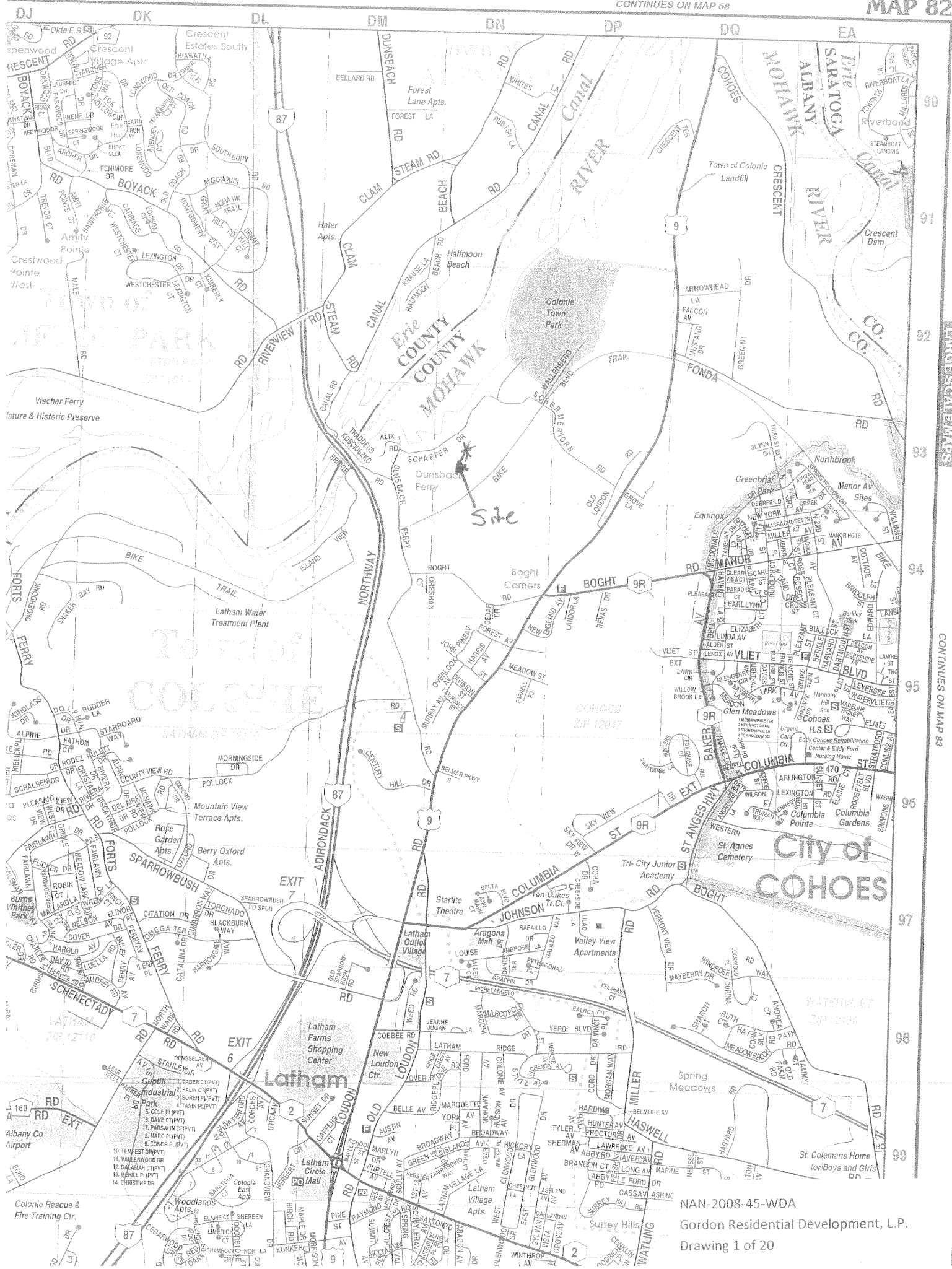
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LARGE SCALE MAPS

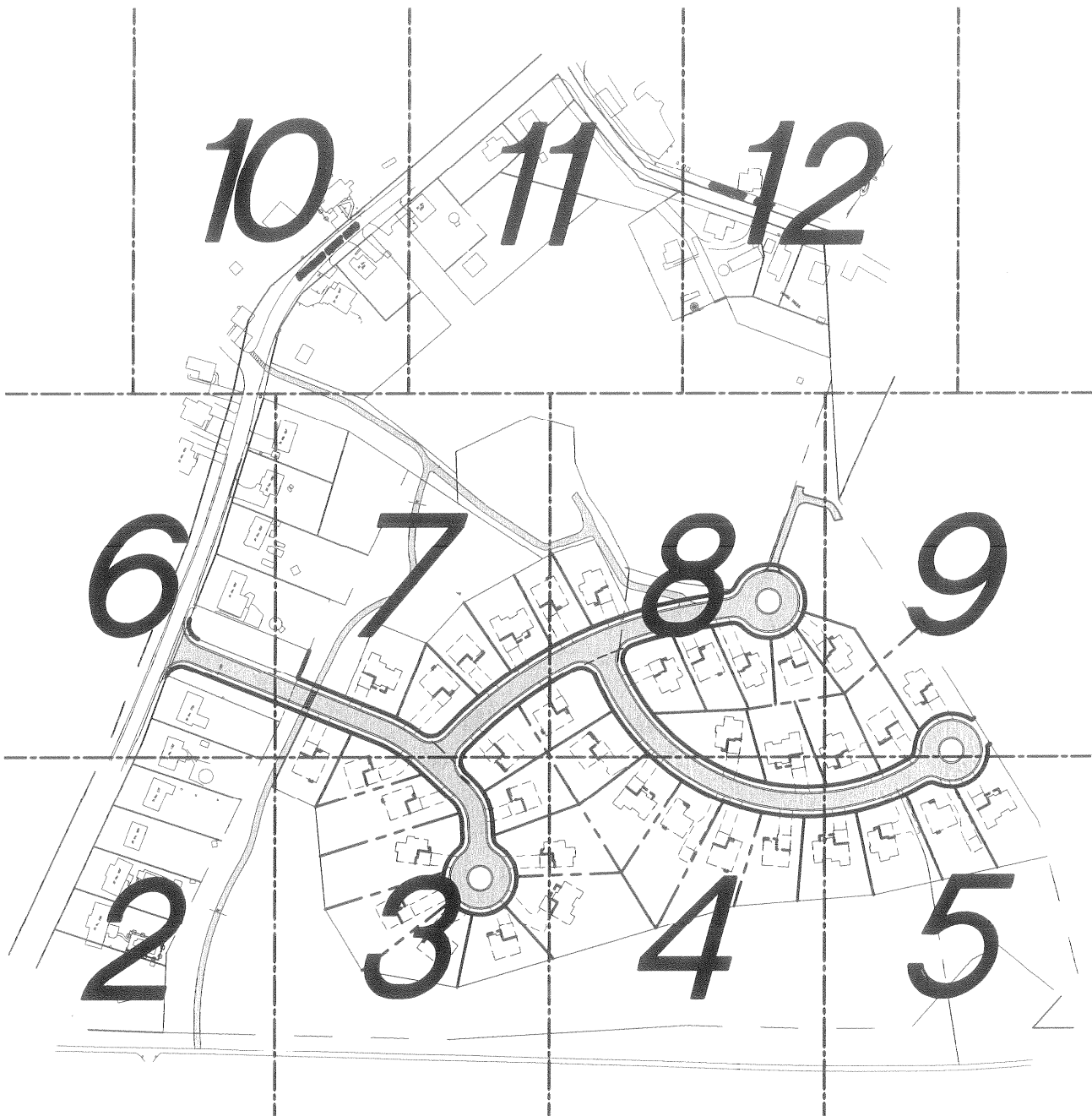
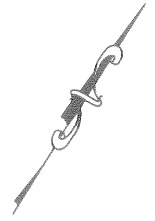
CONTINUES ON MAP 83

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Gordon Residential Development, L.P.

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Gordon Residential Development, L.P.
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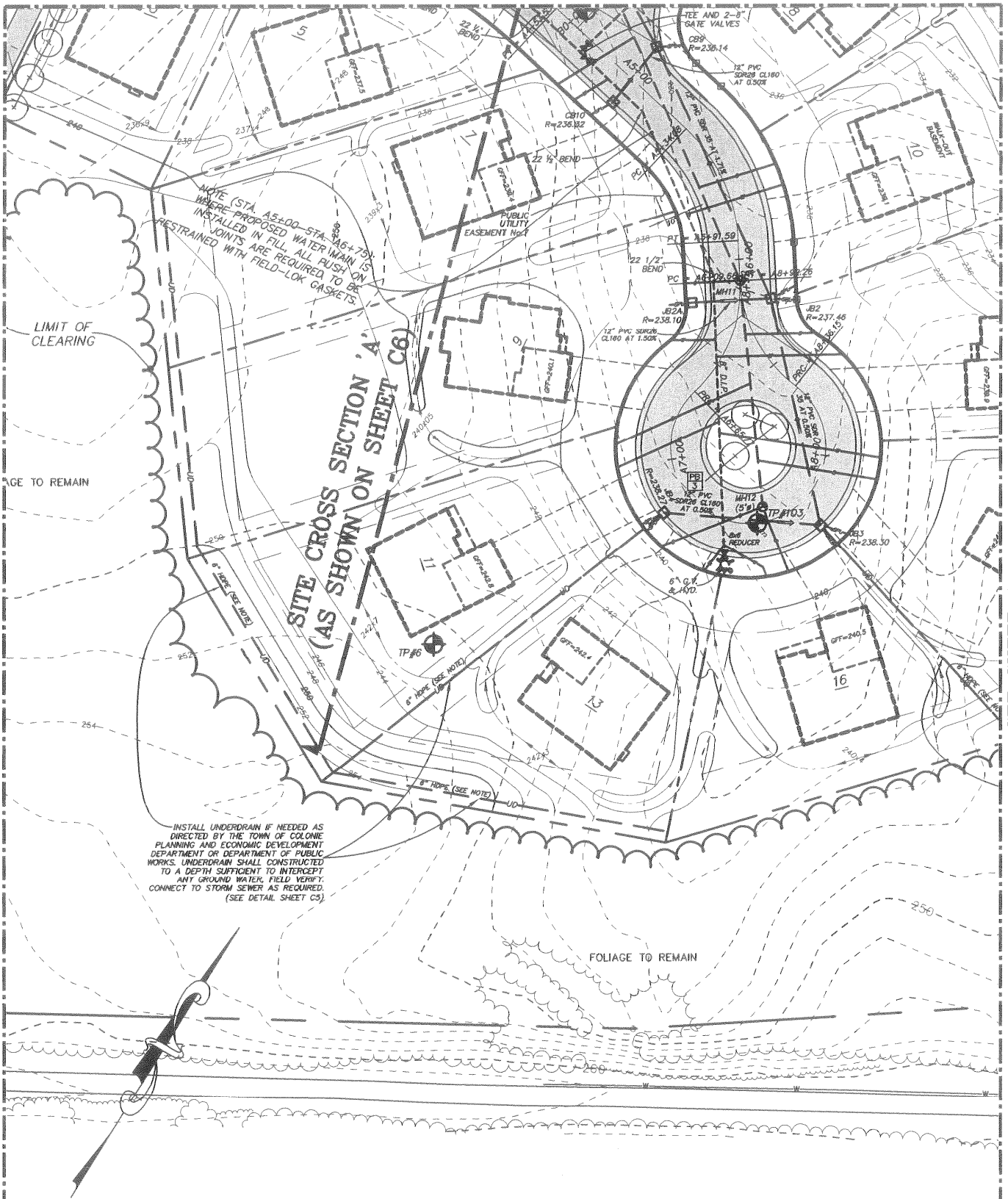
Gordon Residential Development, L.P.

Drawing 3 of 20

SEE SHEET 7

SEE SHEET 2

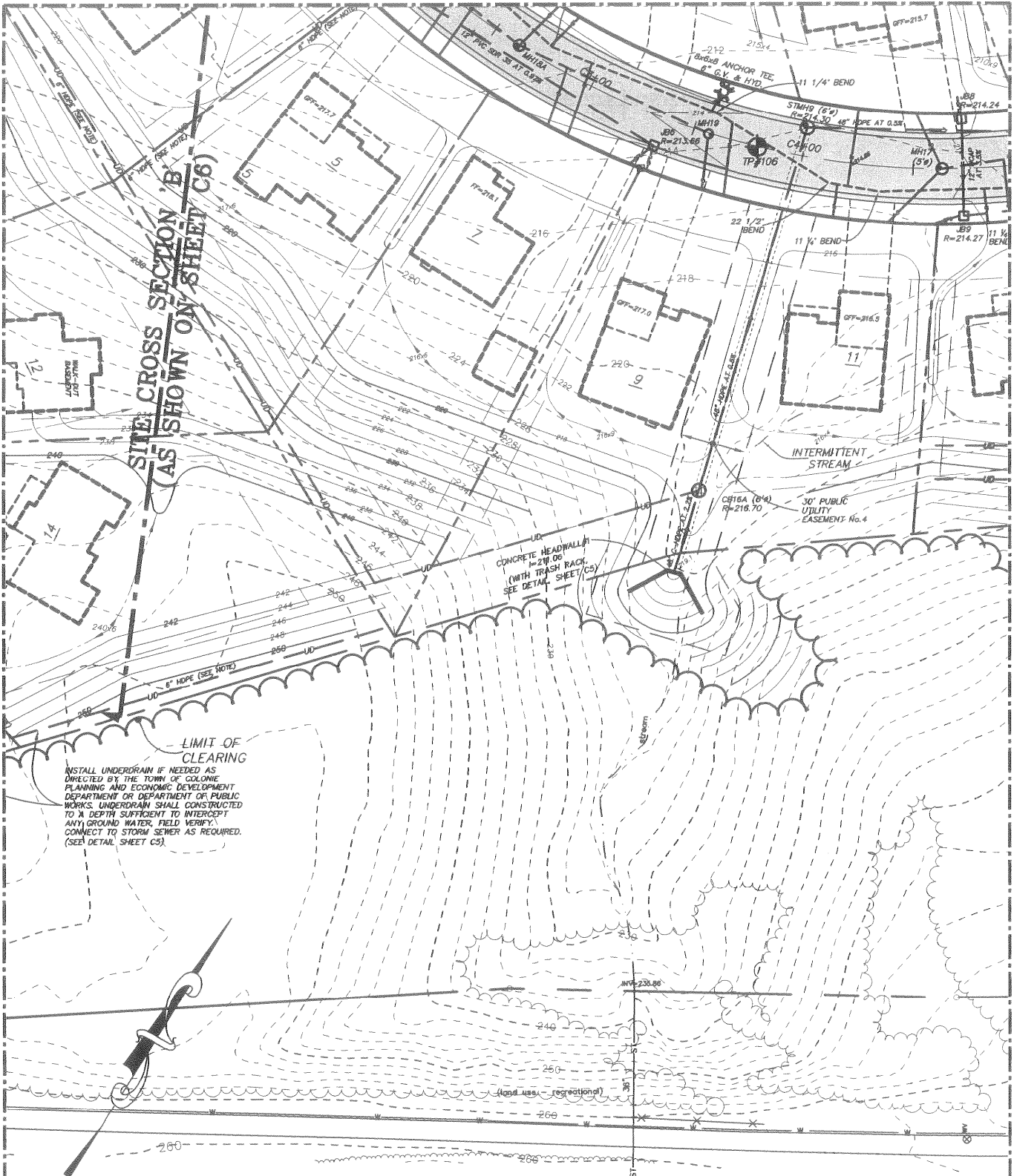
SEE SHEET 4



SEE SHEET 8

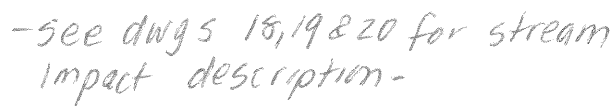
SEE SHEET 3

SEE SHEET 5



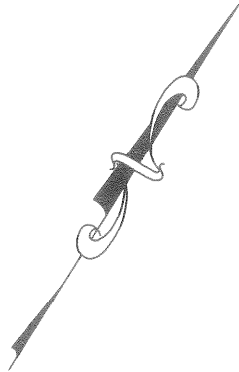
- See dwgs 18 19 & 20
for stream impact description -

SEE SHEET 4



NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 6 of 20

SEE SHEET 10



BUILDING TO BE DEMOLISHED
EXISTING 3/4" WATER SERVICE TO 177
DUNSBACK FERRY ROAD MUST BE
ABANDONED AT THE MAIN BY THE LATHAM
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EXISTING SANITARY SEWER LATERAL TO BE
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8"x8"x8" ANCHOR TEE,
2-8" SOLID SLEEVES
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CB
R=244.85
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R=243.3
I=241.30
I=241.20

ARBOR GATE COURT

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 7 of 20

SEE SHEET 2

2 LEAFS SEE

SEE SHEET 11



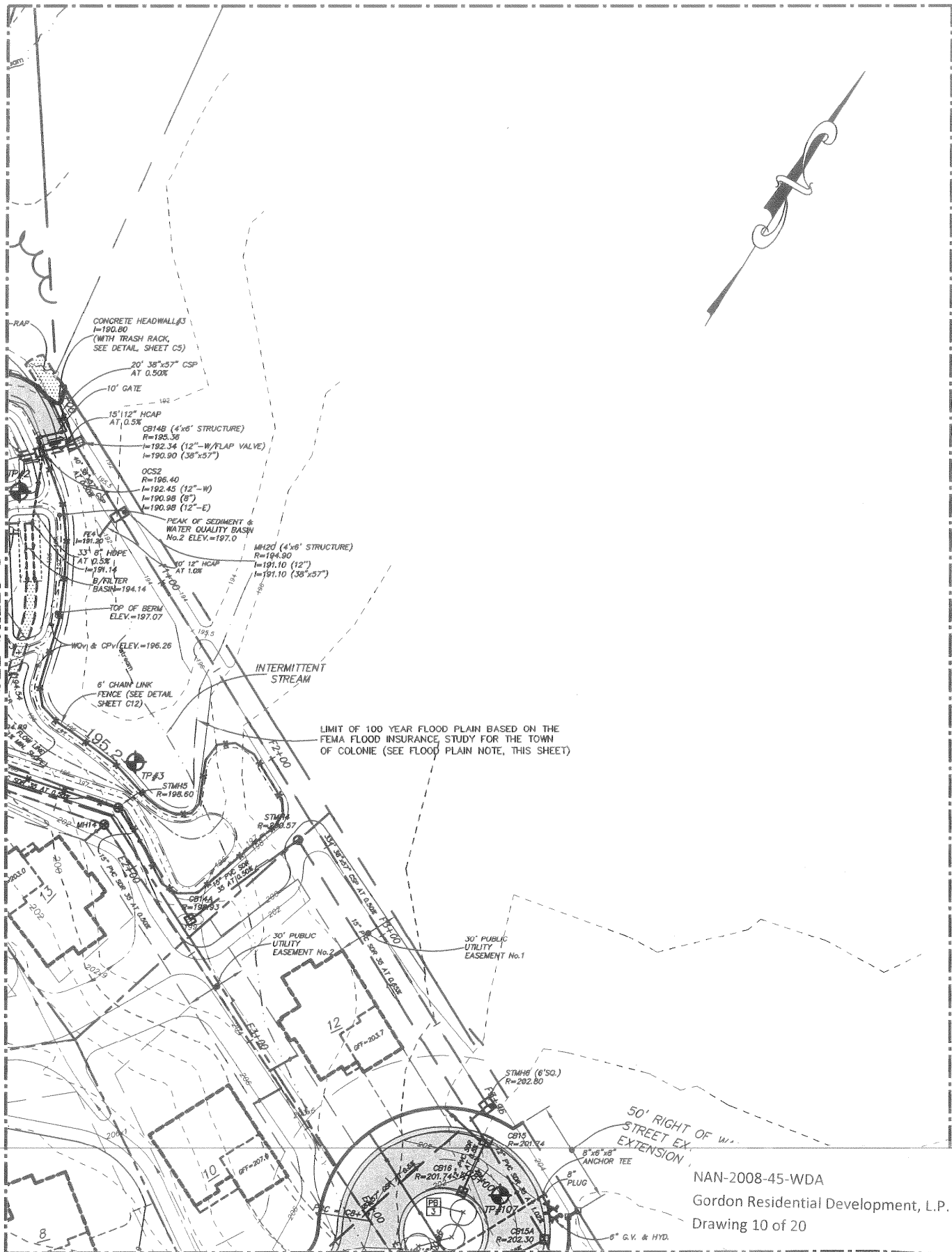
SHEET 7 OF 12
050191-5.DWG
SCALE: 1"=60'

SEE SHEET 12

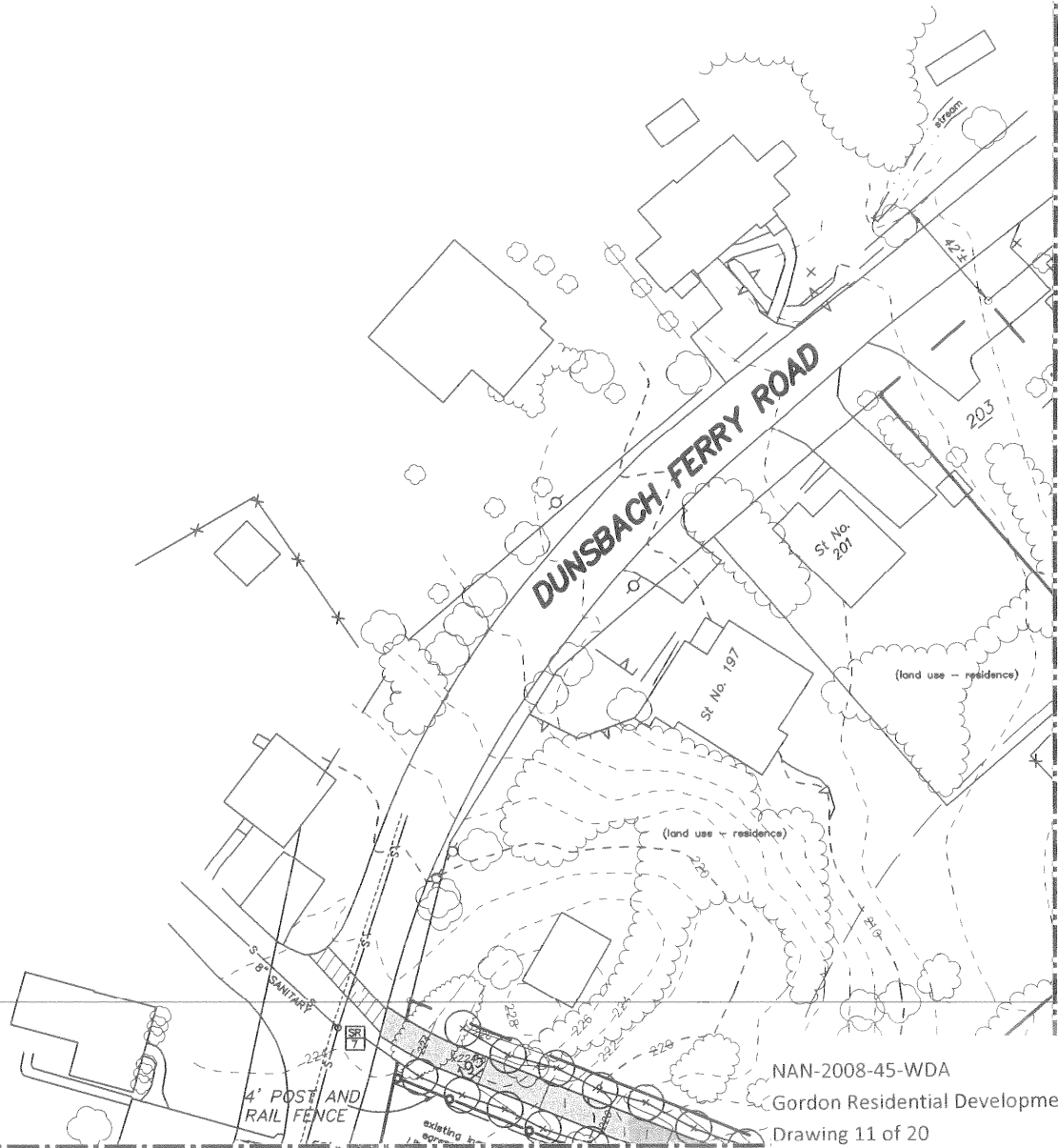
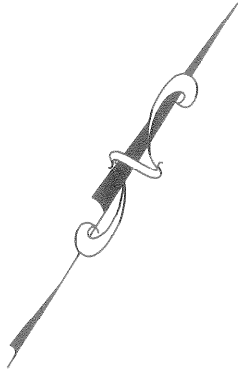


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Gordon Residential Development, L.P.
Drawing 9 of 20

SEE SHEET 8



SEE SHEET 5



SEE SHEET 6

SEE SHEET 7

SEE SHEET 11

NAN-2008-45-WDA
Gordon Residential Development, L.P.

Drawing 11 of 20

SEE SHEET 11

2.19
24 E
183.65 SW
29 W
09 N

CONTRACTOR SHALL DIG A TEST PIT
TO VERIFY LOCATION AND DEPTH OF
EXISTING 8" C.I. WATER MAIN

SCHAEFFER
DRIVE

12" PVC

MB
R=192.99
184.99 E
154.54 W

CB
R=192.28
189.71

(land use -
residence)

DENSE TREES

(land use - residence)

185.78 185.80

187.91 188.03

195.2

LIMIT OF DELINEATED FEDERAL
WETLAND (SEE WETLAND
NOTE, SHEET C2)

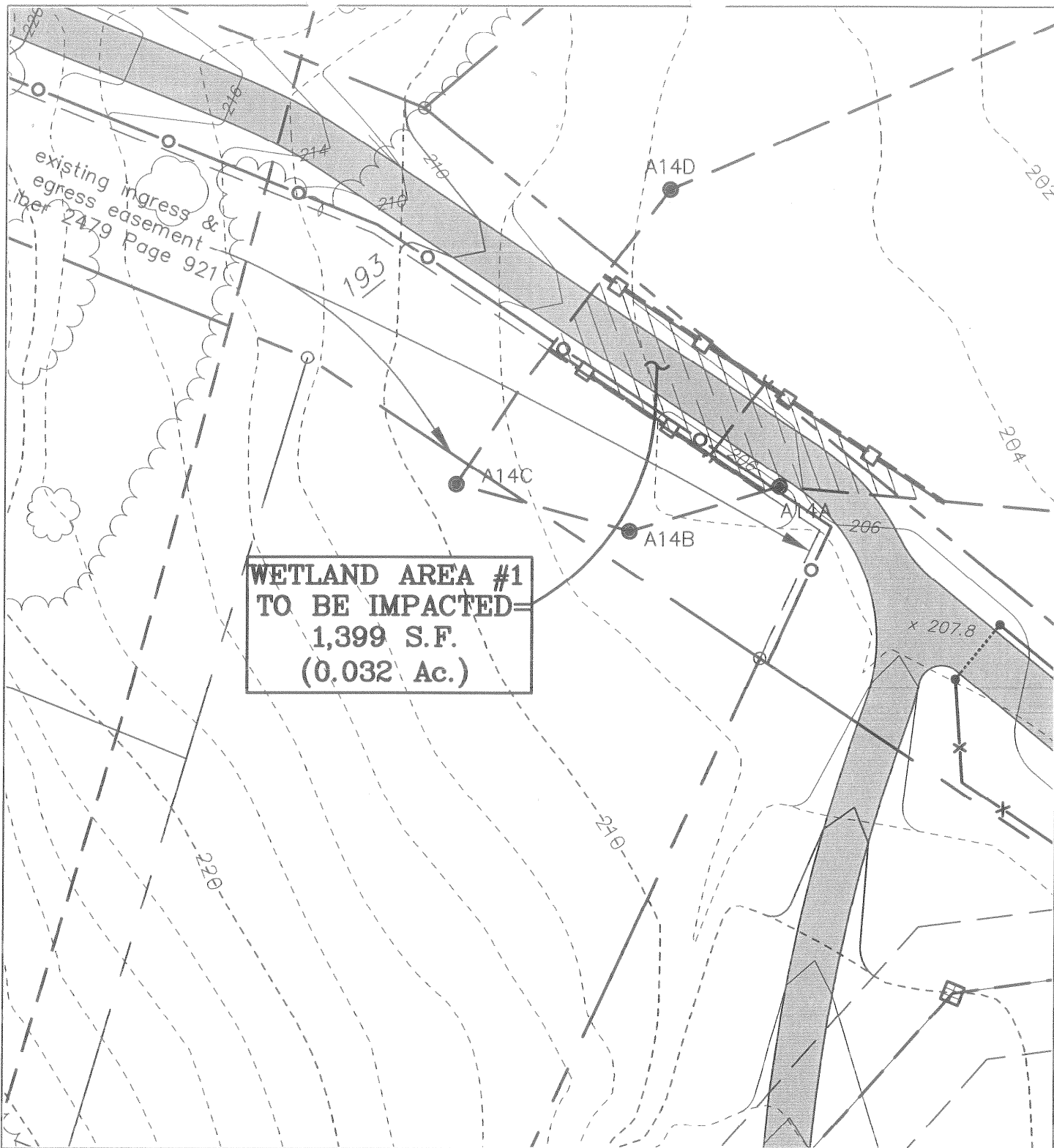
(land use -
vacant)

LATHAM WATER DISTRICT No.

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 13 of 20

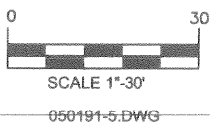
SEE SHEET 8

SEE SHEET 9



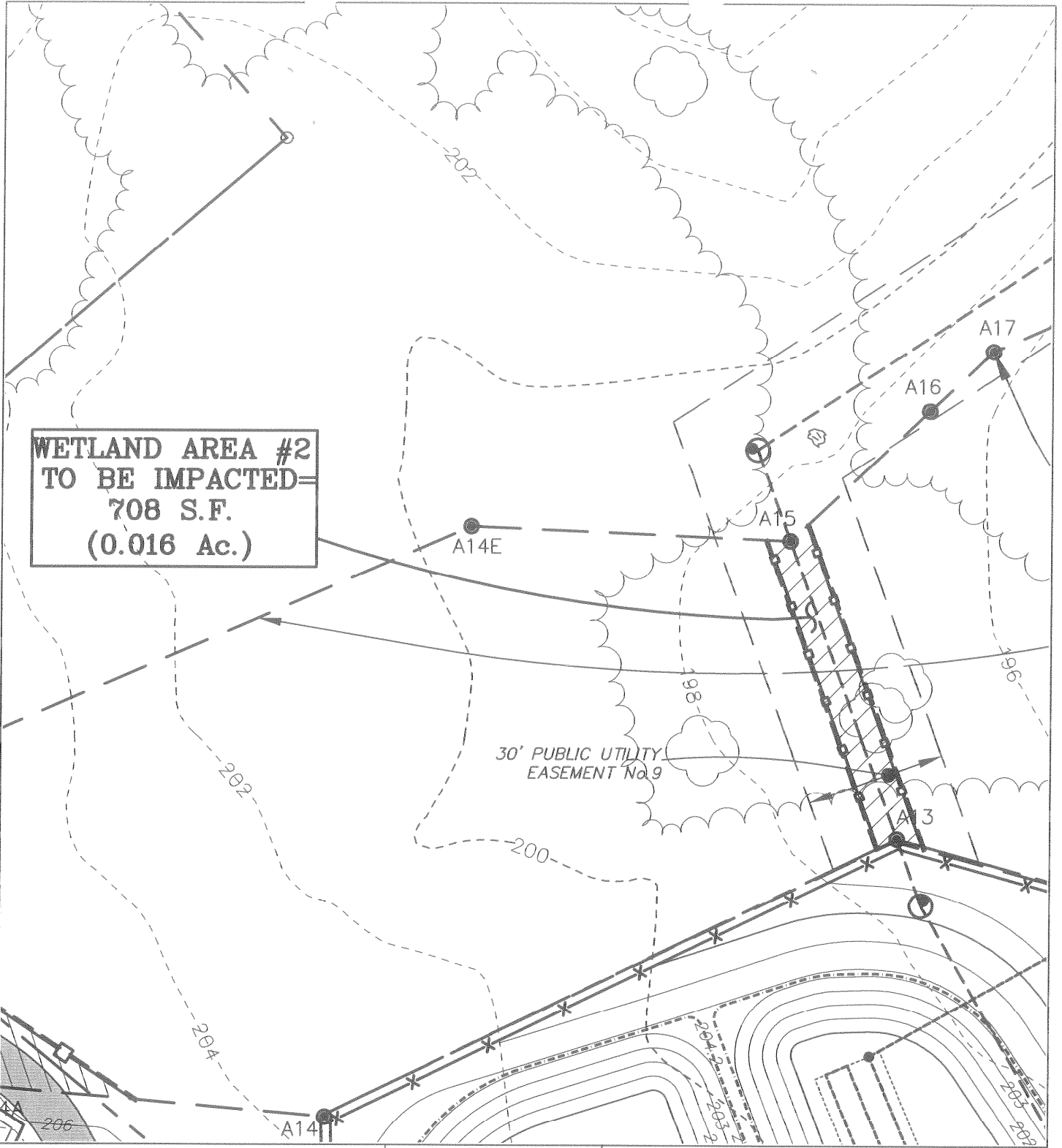
LEGEND

- EXISTING CONTOUR
- 210 --- PROPOSED CONTOUR
- --- SILT FENCE

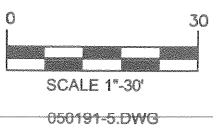


Wetland No. 1 Impacts

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 14 of 20



LEGEND	
	EXISTING CONTOUR
	PROPOSED CONTOUR
	SILT FENCE



Wetland No. 2 Impacts

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 15 of 20



WETLAND AREA #3
TO BE IMPACTED=
929 S.F.
(0.021 Ac.)

14

16

B6

B7

MH13

199.34

LEGEND
---210--- EXISTING CONTOUR
---210--- PROPOSED CONTOUR
---S--- SILT FENCE

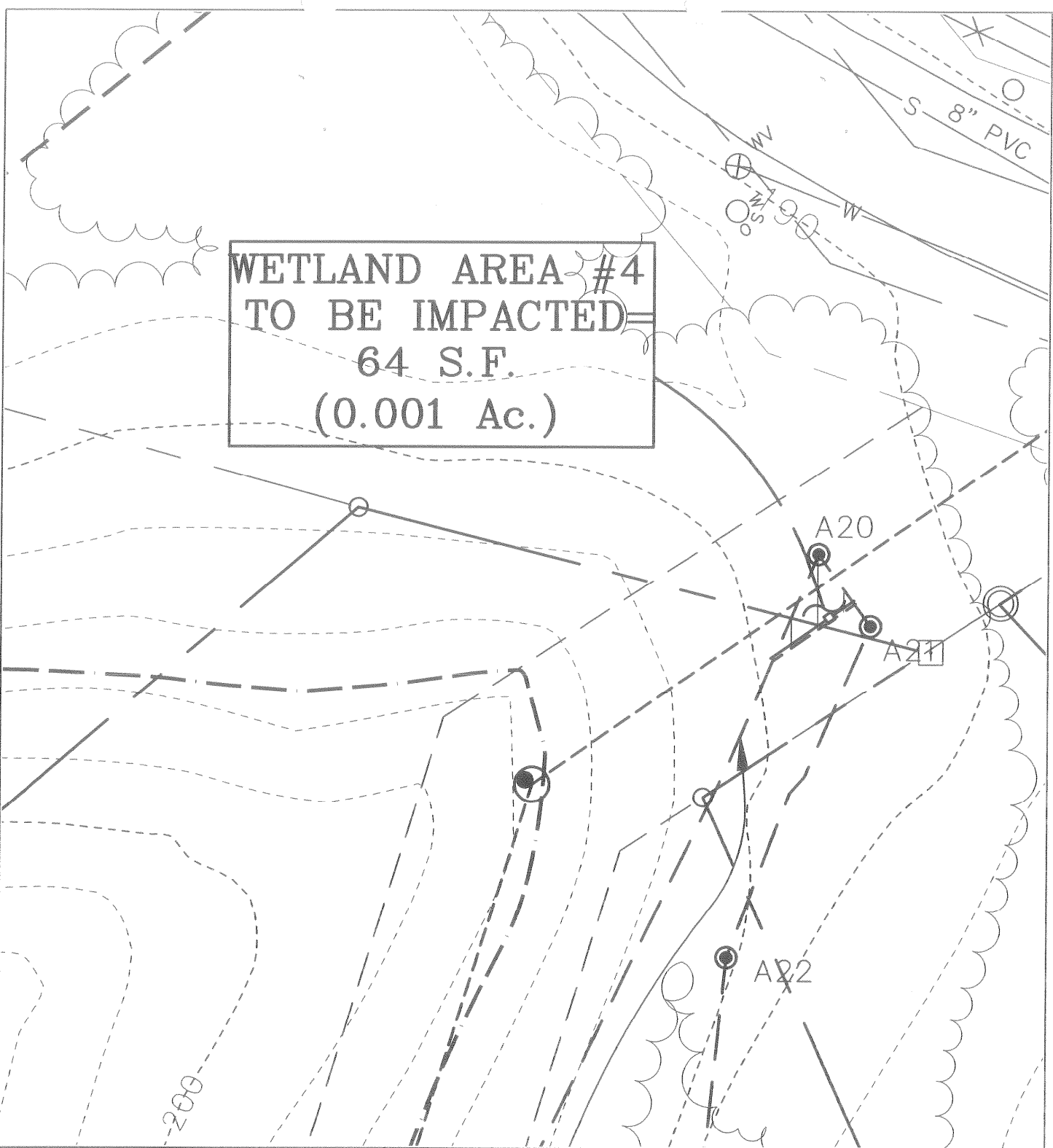
0 20
SCALE 1"=20'

**HERSHBERG
&
HERSHBERG**
Consulting Engineers
and Land Surveyors

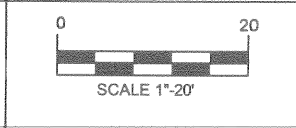


Wetland No. 3 Impacts

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 16 of 20

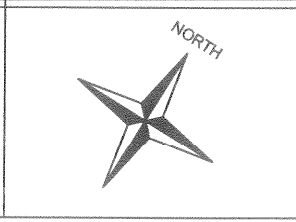


LEGEND	
--- 210 ---	EXISTING CONTOUR
— 210 —	PROPOSED CONTOUR
—○—○—○—○—	SILT FENCE



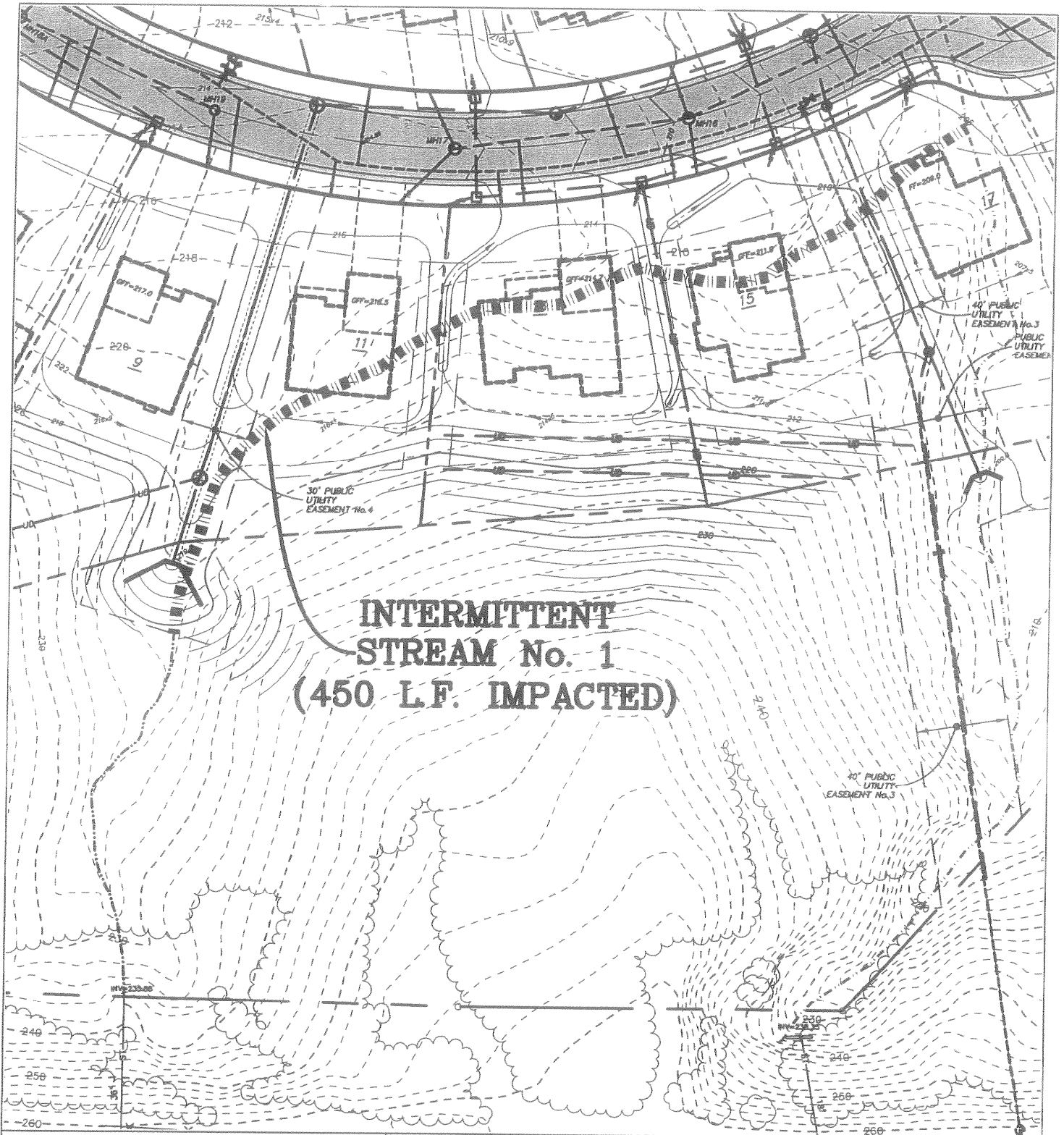


**HERSHBERG
&
HERSHBERG**
Consulting Engineers
and Land Surveyors



Wetland No. 4 Impacts

NAN-2008-45-WDA
Gordon Residential Development, L.P.
Drawing 17 of 20



LEGEND
 --- 210 --- EXISTING CONTOUR
 --- 210 --- PROPOSED CONTOUR

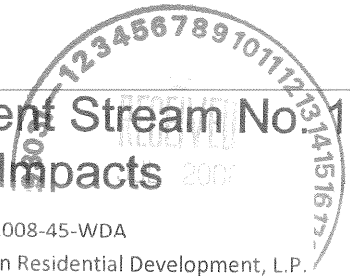
0 60
 SCALE 1"=60'
 050191-5.DWG

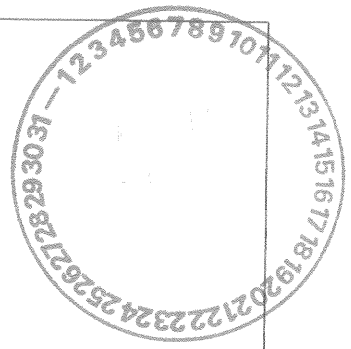
HERSHBERG & HERSHBERG
 Consulting Engineers
 and Land Surveyors



Intermittent Stream No. 1
 Impacts 2007

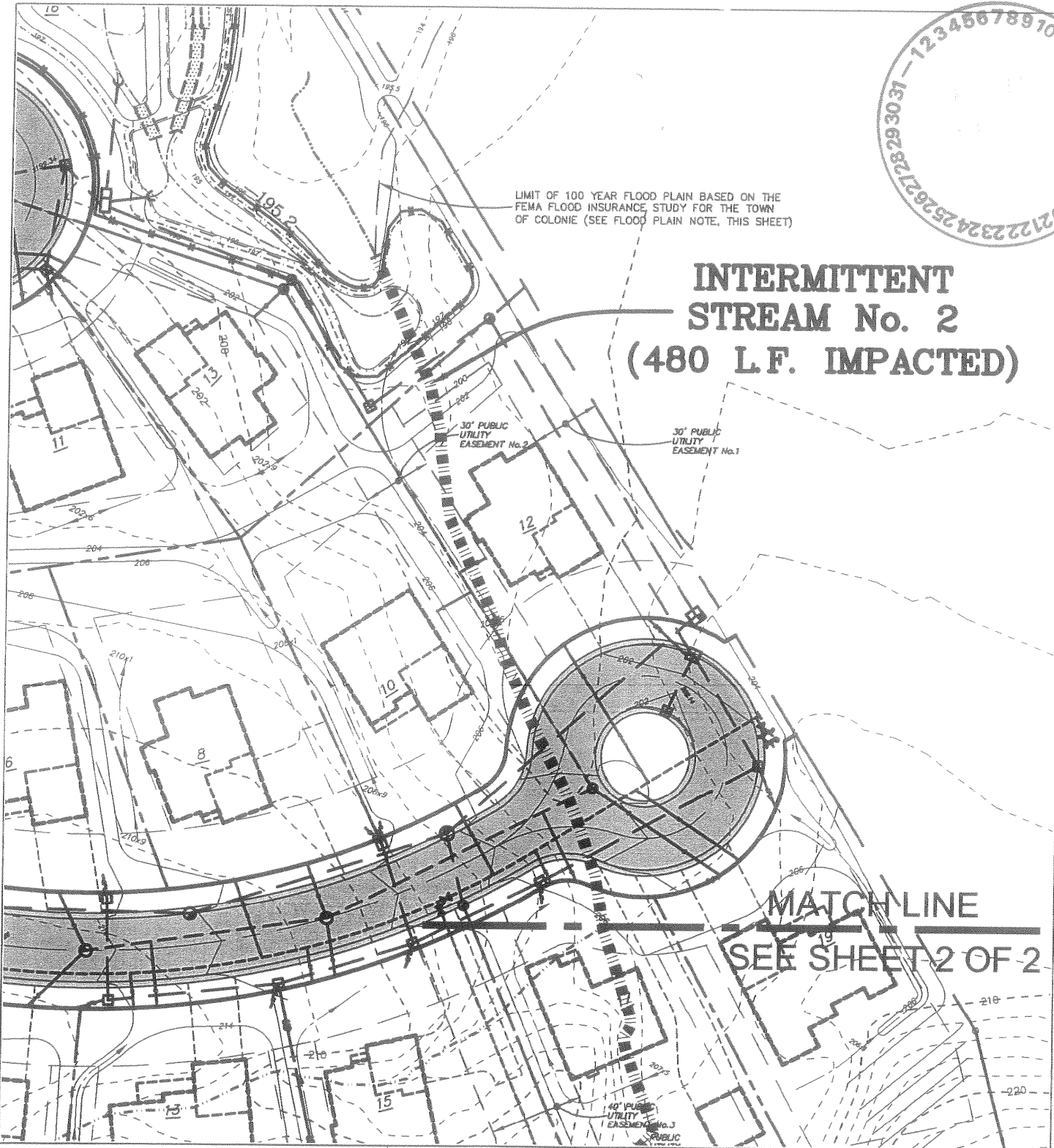
NAN-2008-45-WDA
 Gordon Residential Development, L.P.
 Drawing 18 of 20



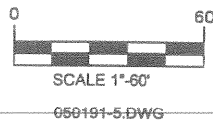


LIMIT OF 100 YEAR FLOOD PLAIN BASED ON THE
FEMA FLOOD INSURANCE STUDY FOR THE TOWN
OF COLONIE (SEE FLOOD PLAIN NOTE, THIS SHEET)

INTERMITTENT STREAM No. 2 (480 L.F. IMPACTED)



LEGEND
--- 210 --- EXISTING CONTOUR
—— 210 —— PROPOSED CONTOUR



Intermittent Stream No. 2
Impacts

Sheet 1 of 2

